

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

KAREN JOHN-CEDENO,

Plaintiff,

-against-

THE KINGS COUNTY HOSPITAL,

Defendant.

ORDER

22-CV-7959 (RPK)(MMH)

**MARCIA M. HENRY**, United States Magistrate Judge:

This Order addresses Defendants' filings at ECF Nos. 17 and 18.

By letter dated October 17, 2023, Defendant The Kings County Hospital, through its counsel, asks the Court to accept its Answer to the Complaint in this case (ECF No. 16) and states its arguments in opposition to *pro se* Plaintiff Karen John-Cedeno's motion for default judgment, filed on May 30, 2023. (ECF No. 18.) In the same letter, Defense counsel indicates that co-counsel may be present at the hearing. The Court will address the parties' arguments related to the motion for default judgment at the telephone hearing scheduled for November 1, 2023 at 3:30 p.m. Any attorney appearing before this Court must be admitted to practice law in this district and shall file a notice of appearance in advance of the hearing.

By “Notice” dated October 17, 2023, Defendant, through its counsel, states intent to take the oral deposition of *pro se* Plaintiff “pursuant to Article 31 of the Civil Practice Law and Rules,” a provision of state law. (ECF No. 17.) In this federal action, all discovery is governed by the Federal Rules of Civil Procedure; therefore, a notice pursuant to any provision of the New York Civil Practice Law and Rules is a nullity. Even if Defendant’s “Notice” was valid, Federal Rule of Civil Procedure 5(d) prohibits litigants from filing discovery materials with the Court unless they seek the Court’s involvement to resolve a dispute. However, the Court construes the “Notice”

as Defendant's further opposition to *pro se* Plaintiff's motion for default judgment and as evidence of Defendant's intent to defend against the allegations in the Complaint. Because of this, the Court will not strike Defendant's "Notice" from the docket. Nonetheless, the parties shall refrain from filing future discovery demands, notices, or responses on the docket unless they are the subject of a motion.

The Clerk of Court is respectfully directed to mail a copy of this Order and the summary docket sheet to *pro se* Plaintiff at the mailing address of record on the docket. However, *pro se* Plaintiff is again encouraged to register for electronic service of the Court's orders by completing and returning the form, Pro Se Registration and Consent for Electronic Service of Orders and Notices Issued by the Court in Civil Cases (available at: <https://www.nyed.uscourts.gov/forms/pro-se-registration-and-consent-electronic-service-orders-and-notices-issued-court-civil-cases>).

**SO ORDERED.**

Brooklyn, New York  
October 19, 2023

/s/Marcia M. Henry  
MARCIA M. HENRY  
United States Magistrate Judge